

REMARKS

Claims 1, 8, 14, 16, and 18 have been amended and claims 5, 21, 24, and 25 are canceled. No new claims have been added. Accordingly, claims 1-4, 6-20, 22, and 23 remain under prosecution in this application.

35 USC § 102

Claims 1, 2, 5-11, 14-16, 18-21, and 23-24 are rejected under 35 USC § 102 as being anticipated by Milne et al. Claim 1 has been amended to incorporate the features of originally submitted claim 5. Claim 1, as amended, now includes amongst other features, "... wherein said data table is further capable of storing a unique set of preference alignment settings corresponding to personal listening preferences of a vehicle operator, said preference alignment settings being intended to override said default alignment settings." When claim 1 is read in its entirety, the data table contains two types of settings. 1) default alignment settings, and 2) preference alignment settings. The default alignment settings relate to a plurality of vehicle models and the preference alignment settings relate to listening preferences of the vehicle operator and are intended to override the default alignment settings.

In rejecting claim 5 (which has now been incorporated in claim 1), the Examiner generally points to column 4, lines 51-61 of Milne. Although Milne appears to teach the concept of default alignment settings (Milne uses the phrase "audio system parameters" to describe his preference alignment settings) nowhere does Milne teach the second portion of claim 1 relating to preference alignment settings. Preference alignment settings have three features -- 1) they correspond to personal listening preferences of a vehicle operator, 2) they are stored in the data table and 3) they override default alignment settings. None of the three above referenced attributes associated with preference alignment settings can be found in Milne. Specifically, column 4, lines 51-61 is devoid of teaching these three features. Although the phrase "driver optimization" is used in line 56, there is no teaching that this "driver optimization" feature overrides a default alignment setting. Although the teaching of the exact nature of the "driver optimization" feature is difficult to discern, it appears that this is something that is set from the factory inasmuch as it "compensates for the different path links from the speakers to the driver's listening position, resulting in a more balanced spatial presentation." In any event, there is no

positive teaching that the "driver optimization" taught in Milne overrides the default alignment settings, and for this reason alone, the undersigned believes that claim 1 and its dependent claims are now in condition for allowance.

Claim 14 has been amended in a similar way to that of claim 1. Specifically, claim 14 now includes, amongst other limitations, "... wherein said data access table is further capable of storing a unique set of preference alignment settings corresponding to personal listening preferences of the vehicle operator, said preference alignment settings being used to override said default alignment settings. . ." The same arguments set forth immediately above in defense of the patentability of claim 1 are also equally applicable to support the patentability of claim 14.

Claim 18 has been amended to incorporate the limitations of claim 21. The Examiner has rejected claim 21 because the Examiner believes that Milne discloses transmitting parameters for the audio system of the vehicle from a host computer to the radio which includes a microprocessor via a bus. Claim 18 as amended now includes the limitation "... wherein said step of identifying a type of vehicle in which the radio is installed comprises communicating vehicle identification information from an internal vehicle body controller to a radio controller, wherein said internal vehicle body controller controls the general operation of the vehicle." Support for this is found, in part, in paragraph [0012] of the specification. Although Milne discloses the use of a host programming system (column 4, lines 34-40), nowhere does Milne disclose the use of a controller which controls the general operation of a vehicle. For this reason alone, the undersigned believes that claim 18 and its dependent claims are now in condition for allowance.

Claim 8 depends from claim 1, apart from the arguments that have already been made in support of the allowability of claim 1, the undersigned believes that claim 8 is independently allowable. Specifically, claim 8 requires, amongst other limitations, that "... said radio controller is capable of receiving data indicative of a vehicle model from said internal vehicle body controller which controls general operation of the vehicle." Support for this claim limitation is found in paragraph [0012]. As has already been mentioned immediately above in support of the patentability of claim 18, Milne discloses the use of a host programming system

for storing and downloading to the central DSP MODULE equalization coefficients, cross over coefficients, and gain coefficients. However, nowhere does Milne teach that the host programming system can be a controller for controlling the general operation of the vehicle. For this reason alone, the undersigned believes that claim 8 is allowable independent of the allowability of the independent claim (claim 1) from which it depends.

Claim 10 depends from claim 1. Claim 10 requires amongst other limitations that "... a data bus capable of being connected to an external vehicle diagnostic device. ..." There is no teaching in Milne that the host programming system can be a vehicle diagnostic device. In the Examiner's rejection of claim 1, the Examiner states that "... the host computer (24), which constitutes an external diagnostic device (column 4, lines 5-50), which reads on the claim limitations." The undersigned has closely reviewed the section quoted by the Examiner "column 4, lines 5-50" and nowhere in this portion of Milne is the word "diagnostic" used. If the Examiner continues to maintain his rejection of claim 10, the undersigned respectfully requests that the Examiner direct the undersigned to the column and line of Milne which teaches a diagnostic device. The undersigned believes that claim 10 is allowable independent of the allowability of the independent claim (claim 1) from which claim 10 depends.

Claims 15 and 20 include, amongst other limitations, a "vehicle diagnostic device". For the same reasons set forth immediately above in support of the patentability of claim 10, the undersigned believes that claims 15 and 20 are also allowable independent of the allowability of the independent claims from which claims 10 and 15 depend.

Claim 12 depends from claim 1. Claim 12 requires, amongst other limitations, "... a radio face plate in communication with said radio controller; and wherein said radio controller is capable of receiving data indicative of a vehicle model from said radio face plate." The Examiner has rejected claim 12 even though the Examiner agrees that "Milne fails to disclose a radio controller capable of receiving data indicative of the vehicle model from [the] radio face plate." The Examiner goes on to state that "it is well known in the art to install or initialize devices based upon coupling components attached thereto." Assuming arguendo that the Examiner is correct and it is well known in the art to install or initialize devices based on coupling components attached thereto, it does not necessarily make obvious the claimed use of

the radio face plate for transferring data indicative of a vehicle model. The undersigned does not believe that the Examiner has set forth a prima facie case of obviousness and the undersigned respectfully requests that the Examiner set forth a reference that shows the use of a radio face plate for providing data to a radio controller indicative of a vehicle model.

Claims 17 and 22 both require the presence of a radio face plate in communication with a radio controller as a way of identifying a vehicle type. For the same reason set forth immediately above in support of the patentability of claim 12, the undersigned believes that claims 17 and 22 are allowable irrespective of the allowability of the independent claims from which they depend.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Any fee due is set forth on the attached Amendment transmittal. However, if additional fees are due, please charge our Deposit Account No. 50-3145, under Order No. 209724-83167 from which the undersigned is authorized to draw.

Dated: September 23, 2005

Respectfully submitted,

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